

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Opposing the Passage of S.2747, a Bill to Provide Federal Court
Authority to Enforce Rights Secured by the
Indian Civil Rights Act of 1968)

RES. NO. 68-89

1 WHEREAS, the Tohono O'odham Legislative Council has been informed
2 of the introduction of S.2747, a bill proposed by
3 Senator Orin Hatch of Utah to provide Federal Court
4 review of tribal court actions in cases alleging a
5 violation of the Indian Civil Rights Act of 1968; and

6 WHEREAS, S.2747 proposes to allow such review by amending the
7 Indian Civil Rights Act of 1968 codified in 25 U.S.C.
8 1301 et seq.; and

9 WHEREAS, S.2747 contains provisions which, if passed by Congress,
10 will effectively waive the sovereign immunity of Indian
11 Tribes now recognized by the Supreme Court and federal
12 court precedent interpreting that the Indian Civil
13 Rights Act did not constitute a general waiver of
14 sovereign immunity except in the limited case of habeas
15 corpus; and

16 WHEREAS, the intent of the provisions of S.2747 is to undermine
17 tribal court authority and tribal sovereignty and is a
18 direct result of the hearing conducted by the U.S.
19 Commission on Civil Rights; and

20 WHEREAS, the U.S. Commission on Civil Rights focused its investi-
21 gation of alleged violations of the Indian Civil Rights
22 Act on less than five tribes in South Dakota and
23 Arizona to support its findings of widespread non-
24 compliance with the Act; and

25 WHEREAS, there are in excess of over 144 Indian tribes throughout
26 the United States operating as tribal governments at
27 different levels of sophistication and cannot be judged
28 or measured by the standards or lack thereof found to
29 exist in the five tribes investigated.

30 NOW, THEREFORE, BE IT RESOLVED by the Legislative Council that it
31 does hereby strongly oppose the passage of S.2747 or any
32 other similar legislation giving federal courts

1 authority to review tribal court decisions or to
2 interpret the application of tribal laws or customs.

3 BE IT FURTHER RESOLVED that the Tohono O'odham Nation strongly
4 objects to legislation which would waive the sovereign
5 immunity of Indian Tribes to be sued and respectfully
6 urges Congress not to pass S.2747 or any other similar
7 legislation.

8 The foregoing Resolution was passed by the Tohono O'odham Council
9 on the 27th day of February, 1989 at a meeting at which a
10 quorum was present with a vote of 1,640.0 for; -0- against; -0-
11 not voting; and 03 absent, pursuant to the powers vested in the
12 Council by Section 1 (c) (2) of Article VI of the Constitution
13 of the Tohono O'odham Nation, adopted by the Tohono O'odham
14 Nation on January 18, 1986, and approved by the Acting Deputy
15 Assistant Secretary - Indian Affairs (Operations) on March 6,
16 1986, pursuant to Section 16 of the Act of June 18, 1934 (48
17 Stat. 984).

18 TOHONO O'ODHAM LEGISLATIVE COUNCIL

19 Harriet Toro
20 Harriet Toro, Legislative Chairperson

21 1st day of March, 1989.

22 ATTEST:

23 Teresa M. Choyguha
24 Teresa M. Choyguha, Legislative Secretary

25 1st day of March, 1989.

26 Said Resolution was submitted for approval to the office of the
27 Chairman of the Tohono O'odham Nation on the 1st day of
28 March, 1989, at 3:23 o'clock, P.M.,
29 pursuant to the provisions of Section 5 of Article VII of the
30 Constitution and will become effective upon his approval or upon
31 his failure to either approve or disapprove it within 48 hours of
32 submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Harriet Toro
Harriet Toro, Legislative Chairperson

(Opposing the Passage of S.2747, A Bill to Provide Federal Court Authority to Enforce Rights Secured by the Indian Civil Rights Act of 1968)

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[] APPROVED) on the 3rd day of March, 1989,
[] DISAPPROVED) at 3:30 o'clock, P.M.

Enos J. Francisco, Jr.
ENOS J. FRANCISCO, JR., Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 3rd day of
March, 1989, at 3:54 o'clock, P.M.

Teresa M. Choyguha
Teresa M. Choyguha
Legislative Secretary

MOVED: Tony Felix

SUBJECT: Opposing the Passage

SECOND: Virgil Lewis

of S.2747

DATE: February 27, 1989

RESOLUTION # 68-89

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 169.0	1. Rosita Ruiz (Rosemary Lopez) 2. Harriet Toro ()	84.5 84.5	X X			X
HICKIWAN 128.0	1. Lloyd Francisco (Eleanor Santos) 2. Henry Ramon (Billy Manuel)	64.0 64.0	X X			
GU VO 117.0	1. Cross Antone (Juan Joe Cipriano) 2. Virgil Lewis (Roy Montana)	58.5 58.5	X X			
SAN LUCY 85.0	1. John Reno () 2. Max Jose (Dewey Ortega)	42.5 42.5	X X			
PISINEMO 116.0	1. Edward Manuel (Alex Antone) 2. Johnson Jose ()	58.0 58.0	X X			
GU ACHI 158.0	1. Fernando Joaquin () 2. Percy Lopez ()	79.0 79.0	X X			
BABOQUIVARI 241.0	1. Joann Garcia (Frances Miguel) 2. Kenneth Chico, Sr. ()	120.5 120.5	X X			X
SAN XAVIER 126.0	1. Tony Felix (Carmelita Mattias) 2. Eugene Enis (Michael Rios)	63.0 63.0	X X			
SCHUK TOAK 105.0	1. Joseph Juan (Frances Francisco) 2. Julia Carrillo (JoAnn Francisco)	52.5 52.5	X X			
SELLS 257.0	1. Fred Stevens () 2. Andrew Patricio (Daniel Lopez)	128.5 128.5	X X			
SIF OIDAK 138.0	1. Willard Juan, Sr. (Melissa Gregorio) 2. Nicholas Jose (Letitia Garcia)	69.0 69.0	X X			
TOTAL		1,640.0	1,640.0	-0-	-0-	03